reports
Barbara Smith to: Philip Dellinger 08/08/2012 12:17 PM

From: "Barbara Smith" <bsmith@goliadcogcd.org>
To: Philip Dellinger/R6/USEPA/US@EPA

1 attachment

RRC Inspection Reportr - 200708062012_00000.pdf

Mr. Dellinger, Mr. Dohmann asked me to send these reports to you.
Barbara Smith, Manager, GCGCD

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RAILROAD COMMISSION OF TEXAS
SURFACE MINING AND RECLAMATION DIVISION
URANIUM EXPLORATION INSPECTION REPORT

Mine Name: Weesatch Project Permit Number: 123

Permittee: Uranium Energy Corporation (UEC) County: Goliad

Industry Representative(s) Present: Mike O'Leary

Inspector: Murphy Hawkins, Michael Gay, Jon Brandt, Dean Poth Date of Inspection: March 7-9, 2007

I. Field Conditions and Data Collection

Samples Collected: No ☐ Yes ☒ Sample Type: Water ☐ Soil ☒ Vegetation ☐

Average Temperature: 70° F Soil Condition: Dry Date Last Rainfall: unknown Wind Direction/ Velocity (Est.):

Photographs Attached: No ☐ Yes ☒

II. Enforcement Action Taken

Notice of Violation Issued: No ☐ Yes ☒ NOV No. 080A

Cessation Order Issued: No ☒ Yes ☐ CO No.

03/23/2007
Inspector Signature Date

3-26-07
Reviewing Supervisor Signature Date

The Railroad Commission of Texas complies with Federal and State laws applicable to race, religion, national origin, sex, and disability. Information is available upon request by calling (512) 463-7288 or 1-800-735-2989 if special assistance is required.

Mine Name: Weesatch Project
Permit Number: 123
Inspection Date: March 7-9, 2007

III. Comments – Inspection Narrative

- *Document the area of the permit inspected*
- *Discuss observations made during the inspection*
- *Document the results of any field tests taken*
- *Provide a summary of any discussions with industry representatives, along with results, and expectations from those discussions*
- *Describe any enforcement action taken during the inspection, along with facts or evidence supporting the enforcement action*

This inspection focused on reclamation of the drilling activities associated with UEC's Weesatch Project, Permit No. 123. The examination was in response to a complaint and request for on-site investigation by James B. Blackburn, Jr. representing Goliad County. The complaint, received February 6, 2007, alleged that UEC was not disposing drill fluids and potentially harmful cuttings in accordance with the approved Uranium Exploration Permit No. 123 and that UEC's activities were adversely impacting the area groundwater resources. We met with Mr. Mike O'Leary at the site on March 7, 2007 at the beginning of the inspection.

Goliad County Commissioner Jim Krenek, Mr. Art Dohmann, Ms. Margret Rutherford and Dr. H. C. Clark, representing the Goliad County group, were also present on March 7, 2007. At the groups' request, we met them at the property of Mr. Elder Ahrameit where they discussed the site conditions that prompted their complaint (see photograph 1).

UEC was contacted regarding the complaint and in response provided, by email on February 9, 2007, the location coordinates, plugging dates, and land ownership for each borehole drilled under the permit. UEC reported to the Commission that it had thus far plugged 202 holes.

The inspection focused on the surface impacts of the drilling program to verify if the reclamation procedures were being met. Site reclamation was assessed based on the performance standards defined in the permit application, permit issuance letter and the Uranium Act and Regulations. A total of 117 of the 202 boreholes reported as plugged were checked. A table listing the 117 drill locations checked during this inspection and the evaluation of reclamation associated with each borehole and mud pit is attached. During this inspection UEC had four drilling rigs active (see photograph 2). Only the older boreholes, on which UEC had provided identification information and reported as plugged, were inspected for reclamation compliance.

In Section IV A of the application, UEC states that, during drill site preparations, topsoil will be segregated from other soils and saved and later re-distributed. Topsoil was not re-distributed on the top of the majority of the drill sites inspected. In the 117 borehole sites inspected 74 were not fully re-topsoiled. Site 32892-84 (see photograph 3) exemplifies this drill site reclamation failure. Site 32892-84 is covered with a gray subsoil with little or no topsoil evident.

III. Comments – Cont.

In Section IV A of the application, UEC states that mud pits will be allowed to dry before being backfilled with subsoil and cuttings. This drying aids in preventing excursions semi-solid drilling fluids. I observed at the active sites that drilling pits were being backfilled very quickly after the hole was logged with no drying period (see photograph 4). This process caused lighter drilling liquids to be crowded out of the pit and flow on to the surface. Evidence of this reclamation failure was also evident in the several older drill holes including Borehole 32892-84 where drilling fluids or cuttings were found on the surface (see photograph 5).

In Section IV A of the application, UEC states that mud pit areas will be backfilled to above grade to allow for settling. This precaution is designed to prevent the formation of depressions in the pasturelands drilled. Eleven of the 117 boreholes inspected had depression areas forming over the mud pits. Borehole 32201-N40 is an example of this backfilling failure (see photograph 6).

UEC committed in Section IV B of the application to mark each borehole location in such a way that the Commission could verify the presence of a surface plug. UEC provided the Commission with State Plane Coordinates for each borehole. We attempted to locate the boreholes with the coordinates using three separate GPS systems, one with sub-meter accuracy. The Commission inspectors were only able to tag the surface plug in six holes of the 117 inspected using the GPS and a four foot steel rod probe. The holes that were located were found because there was some surface indication of the borehole location not because they were at the exact coordinates provided. Evidence was present in the field that a number of boreholes may have been marked over the hole with a wooden stake at one time but most of the sites had been regraded or otherwise re-disturbed.

As required by the Commission's permit issuance letter, each borehole drilled in this project is required to have a ten-foot surface plug located three feet below the surface. The majority of the borehole locations were unable to be located for verification. Of the fourteen boreholes located, five were found to be open to the surface with the cement plug estimated to be greater than 20 feet below the surface and the remainder of the plugs found were between 0 and 18 inches below the surface. Borehole 32201-N38 (see photograph 7) is an example of this plugging failure.

Several sites were inspected where the surface reclamation had been done in accordance with the performance standards contained in UEC's Permit No. 123 (see photographs 8 and 9).

In addition to the site reclamation inspection, a gamma radiation survey of the area was made to determine if the radiation levels from the pit areas was higher than background levels. As part of this survey, soil samples were secured for analysis. The results of this part of the inspection are still being analyzed and will be included in a subsequent report.

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III. Comments – Cont.

Based on observations made during this field inspection I believed that UEC was not in compliance with their Exploration Permit and the Regulations and issued Notice of Violation 080A. The Notice of Violation requires that UEC install a concrete surface plug at all sites, mark the exact location of each borehole for verification by the Commission, and remove all drilling mud, cuttings, cement and other debris burying it with no less than one foot of topsoil. UEC is directed to complete the remedial action by April 12, 2007.

A closeout meeting was conducted on March 12 via telephone conference with Mr. O'leary wherein the items included in this report were discussed.

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VI. Photographs

Photo 1: Abrameit property with members of Goliad County group

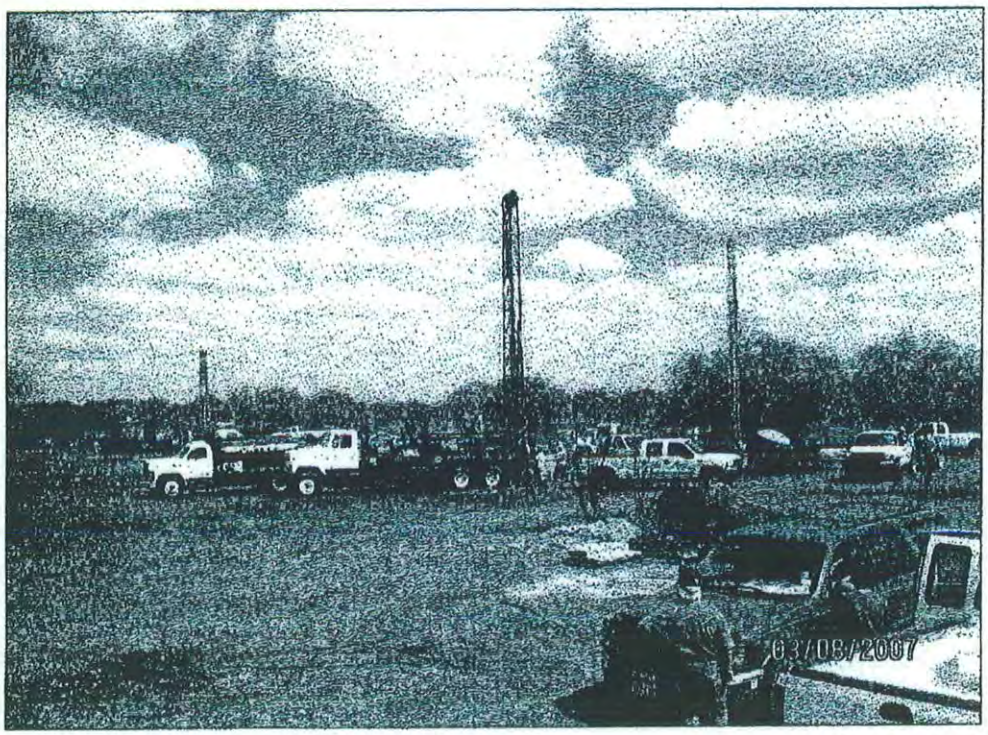

Photo 2: Three of the Four Drill Rigs Active During the Inspection

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VI. Photographs

Photograph 3: Borehole 32892-84, Grey Subsoil on Surface

Photograph 4: Drilling fluids excursion from mud pit

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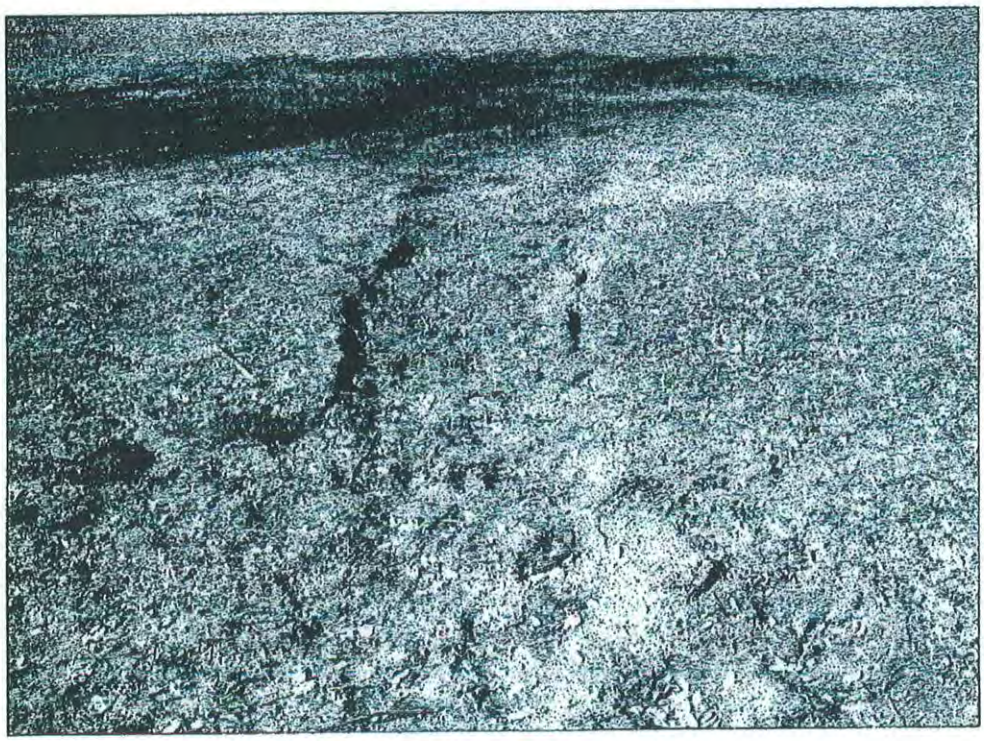
VI. Photographs

Photograph 5: Borehole 32892-84 cuttings from pit on surface



Photograph 6: Borehole 32201-N40 Mud Pit Depression

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VI. Photographs

Photograph 7: Borehole 32201-N38 No Surface Plug

Photograph 8: Jacobs Water Well Reclamation Site

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VI. Photographs

Photograph 9: Location 32208-32 Reclamation Site

Uranium Exploration Corporation (UEC) - Weesatch Project Inspection

March 7-9, 2007

Site #	Mud Pit Reclamation Surface Attributes					Borehole		
	Borehole Cuttings [1]	Driling Mud [1]	Cement [1]	Settling	% of [2] Disturbed Area Topsoiled	Located	Surface Plug	Plug [3] Depth
30892-103	N	N	N	N	0-59	N	-	-
30892-104	N	N	N	N	60-100	N	-	-
30892-101	N	Y	N	N	0-59	N	-	-
30892-102	N	Y	N	N	0-59	N	-	-
30892-102C	N	Y	N	N	0-59	N	-	-
30892-105	N	Y	N	N	0-59	N	-	-
30892-113	N	N	N	N	0-59	N	-	-
30892-114	N	N	N	N	0-59	N	-	-
30892-115	N	N	N	N	0-59	N	-	-
30892-116	N	N	N	N	0-59	N	-	-
30892-117	N	N	N	N	0-59	N	-	-
30892-118	N	N	N	N	0-59	N	-	-
30892-118AC	N	N	N	N	0-59	N	-	-
30892-118C	N	N	N	N	0-59	N	-	-
30892-119	N	N	N	N	0-59	N	-	-
30892-120	N	N	N	N	0-59	N	-	-
30892-120BC	N	N	N	N	0-59	N	-	-
30892-120C	N	N	N	N	0-59	N	-	-
30892-121	N	N	N	N	0-59	N	-	-
30892-83	N	N	N	N	0-59	N	-	-
30892-85	N	N	N	Y	0-59	N	-	-
30892-85AC	N	N	N	N	0-59	N	-	-
30892-85C	N	N	N	N	0-59	N	-	-
30892-86	N	N	N	N	60-100	N	-	-
30892-86C	N	N	N	N	0-59	N	-	-
30892-90	N	N	N	N	60-100	N	-	-
30892-91	N	N	N	N	60-100	N	-	-
30892-92	N	N	N	N	60-100	Y	Y	14"
30892-94	N	N	N	N	60-100	N	-	-
30892-95	N	N	N	N	0-59	Y	Y	8"
30892-97	N	N	Y	N	60-100	Y	Y	18"
30892-98	N	N	N	N	60-100	N	-	-
32201-N37	N	N	Y	Y	0-59	Y	Y	0"
32201-N39	N	N	N	N	50	N	-	-
32201-N52	N	N	N	N	0	N	-	-
32201-N58	N	N	N	N	0	N	-	-
32201-N62	N	N	N	N	0	N	-	-
32202-101	N	N	N	N	60-100	N	-	-
32202-102	N	N	N	N	60-100	N	-	-

Site #	Mud Pit Reclamation Surface Attributes					Borehole		
	Borehole Cuttings [1]	Drilling Mud [1]	Cement [1]	Settling	% of [2] Disturbed Area Topsoiled	Located	Surface Plug	Plug [3] Depth
32202-106	N	N	N	N	60-100	N	-	-
32202-107	N	N	N	N	60-100	N	-	-
32202-108	N	N	N	N	60-100	N	-	-
32202-112	N	N	N	N	50	N	-	-
32202-113	N	N	N	N	60-100	Y	Y	12"
32202-114	N	N	N	N	60-100	N	-	-
32202-115	N	N	N	N	60-100	N	-	-
32202-116	N	N	N	N	0-59	N	-	-
32202-117	N	N	N	Y	0-59	N	-	-
32202-118	N	N	N	N	60-100	Y	Y	12"
32202-120	N	N	N	N	60-100	Y	Y	18"
32202-121	N	N	N	N	60-100	Y	Y	10"
32202-123	N	N	N	N	60-100	N	-	-
32202-124	N	N	N	N	60-100	N	-	-
32202-125	N	N	N	Y	60-100	N	-	-
32202-127	N	N	N	N	60-100	N	-	-
32202-94	N	N	N	N	60-100	N	-	-
32202-95	N	N	N	N	60-100	N	-	-
32202-96	N	N	N	N	60-100	N	-	-
32202-97	N	N	N	N	60-100	N	-	-
32202-98	N	N	N	N	60-100	N	-	-
32202-99	N	N	N	N	0-59	N	-	-
32206-01	N	N	N	N	80	N	-	-
32206-02	N	N	N	Y	0	N	-	-
32206-06	N	N	N	Y	0	N	-	-
32206-07	N	N	N	Y	0	N	-	-
32206-08	N	N	N	N	0	N	-	-
32206-12	N	N	N	N	0	N	-	-
32206-12A	N	N	N	N	60-100	N	-	-
32206-12N	N	N	N	N	0	N	-	-
32206-12S	N	N	N	N	0	N	-	-
32206-18	N	N	N	N	0	N	-	-
32208-30	N	N	N	Y	0	N	-	-
32208-31	N	N	N	N	0	N	-	-
32208-32	N	N	N	N	100	N	-	-
32208-42	N	N	N	N	60-100	N	-	-
32208-43	N	N	N	N	85	N	-	-
32208-46	N	N	N	N	0	N	-	-
JACOBS WW	N	N	N	N	60-100	Y	-	-
P1-07-1-8	N	N	N	N	60-100	N	-	-
P-1-07-3-4	N	N	N	N	60-100	N	-	-
P1-07-4	N	N	N	N	60-100	N	-	-
P1-07-6	N	N	N	N	60-100	N	-	-

Site #	Mud Pit Reclamation Surface Attributes					Borehole		
	Borehole Cuttings [1]	Drilling Mud [1]	Cement [1]	Settling	% of [2] Disturbed Area Topsoiled	Located	Surface Plug	Plug [3] Depth
P1-07-7	N	N	N	N	60-100	N	-	-
30892-84	N	N	N	N	0-59	N	-	-
30892-88	N	Y	N	N	0-59	N	-	-
30892-99	N	Y	Y	N	0-59	N	-	-
30898-21	Y	N	N	N	60	N	-	-
30898-22	Y	N	N	N	90	N	-	-
30898-23	N	N	Y	N	60	N	-	-
30898-24	Y	N	N	N	90	N	-	-
30898-31	Y	N	Y	N	85	N	-	-
30898-32	N	N	Y	Y	95	Y	Y	18"
30898-35	N	Y	Y	N	60	N	-	-
32201-N1	N	Y	N	N	0-59	N	-	-
32201-N10	N	N	N	N	0	N	-	-
32201-N12	N	Y	Y	Y	0	Y	N	-
32201-N2	N	Y	N	N	0-59	Y	N	-
32201-N3	N	Y	N	N	20	Y	N	-
32201-N38	N	Y	N	Y	80	Y	N	-
32201-N40	N	N	N	Y	80	N	-	-
32201-N41	N	N	N	N	80	N	-	-
32201-N5	N	N	N	N	100	N	-	-
32201-N6	N	N	N	N	60	N	-	-
32201-N7	N	Y	N	N	50	N	-	-
32206-03	N	N	N	N	0	N	-	-
32206-09	N	N	Y	N	0	N	-	-
32206-11	N	N	Y	N	60-100	N	-	-
32206-15	N	N	N	N	0	N	-	-
32206-19	Y	N	N	N	0	N	-	-
32206-20	N	N	Y	N	60-100	N	-	-
32206-21	N	N	Y	N	60-100	N	-	-
32208-41	N	Y	N	N	90	N	-	-
32208-44	Y	Y	Y	N	0	N	-	-
32208-45	N	Y	Y	N	0	Y	N	-
P1-07-1-4	Y	N	N	N	0-59	N	-	-
P1-07-2-4	N	N	N	N	60-100	N	-	-
P1-07-8-8	Y	N	Y	N	0-59	N	-	-

Notes:

[1] Material found on surface

[2] % estimates made on first day of inspection were made as a range

[3] Measurement from ground surface to top of plug

N = No; Y = Yes

SMRD-29
(02/07)

RAILROAD COMMISSION OF TEXAS
SURFACE MINING AND RECLAMATION DIVISION

Notice of Violation No.
080A

NOTICE OF VIOLATION

Company: Uranium Energy Corporation (UEC)
Mine Name Weesatch Project Permit No. Exploration Permit No. 123
Type of Mine: ☐ Coal ☒ Uranium ☐ Other
Mailing Address: Suite 230-9801 Anderson Mill Road City Austin Zip 78750
County Goliad Telephone Number: (512) 828-6980
Date of Inspection: March 7-9, 2007
Time of Inspection: FROM: 8:00 A.M. TO: 12:00 A.M.
P.M. P.M.

Description of Violation(s) The permittee failed to complete surface plugging and drill site reclamation as specified in Section IV of Uranium Exploration Permit No. 123. Specifically, the permittee failed to segregate and replace topsoil, and/or properly install a cement surface plug, and/or allow pits to dry before backfilling and/or backfill or compact backfilled materials and topsoil above grade in the reclaimed mud pits to compensate for settling, and/or mark the exact location of each borehole.

Provisions of Regulations, Act or Permit Violated Uranium Exploration Permit No. 123, Section IV, and § 11.137 and §11.138 of the Texas Uranium Surface Mining Regulations

Area of Operation Affected Uranium Exploration Permit No. 123 Permit Area

Remedial Action Required The permittee shall: 1) Install a concrete surface plug as required in the permit, 2) Mark the exact location of each borehole for verification by the Commission, 3) Remove all drilling mud, cuttings, cement and other debris burying it with no less than one foot of topsoil.

Time for Abatement Thirty Days (April 12, 2007)

NOTICE Issued by _____ Date March 13, 2007

This Notice of Violation directs the party cited to immediately initiate corrective measures, and constitutes a separate Notice of Violation for each violation listed.

I hereby acknowledge receipt of this Violation. (Receipt does not constitute an admission of guilt)

_____ Date _____
(Signature)

_____
(Position)

The Railroad Commission of Texas complies with Federal and State laws applicable to race, religion, national origin, sex, and disability. Information is available upon request by calling (512) 463-7288 or 1-800-735-2989 if special assistance is required